

*Town of Horicon*  
**ZONING BOARD OF APPEALS**  
**Minutes of June 27, 2006**

Members Present: Chairperson Priscilla Remington, Harry Balz, Curt Castner, Gail Sirrine, Dan Smith,  
Alternate: Jason Hill

Others Present: Counsel to Boards Mark Schachner, Zoning Officer Gary McMeekin,

Guests Present: Tracy & Tricia Shimer, Charles Slocik, Robert Farrell, Dan Smith, Brian Grisi, Elizabeth St. Claire, Jeff Provost, John McMillen, David and Mary King, Paul Morrisseau

**Due to the late arrival of the Town Counsel the Regular meeting of the ZBA** was called to order by Chairperson Priscilla Remington, the public hearings will be held later in the meeting, Motion to accept minutes was made by Harry Balz and seconded by Curt Castner. All Ayes.

**UNFINISHED BUSINESS:**

**2005-56 Tax Map 36.15-41-12.1 Erling Asheim** seeking an Area Variance from road frontage to subdivide parcel on East Shore Dr. A request to continue this application was received, Priscilla Remington made a motion to continue, 2<sup>nd</sup> by Dan Smith. All Ayes.

**NEW BUSINESS:**

**2006-29 Tax Map 72.13-2-50 Tricia Shimer** seeking an Area Variance from shoreline and sideyard setback to maintain current 12' x 14' deck on parcel located at 7070 State Rte 8. Tricia Shimer presented photos of the deck and culvert stating that the deck was built five (5) years ago not knowing that a building permit was needed. Harry Balz asked who owns the culvert and do the owners have an easement to maintain this culvert on this parcel? Harry Balz then suggested that the Zoning Administrator investigate as to who owns and maintains the culvert in question. Brief discussion ensued as whether this is a deck or a dock, Gary McMeekin stated that this is a deck 6' wide. Harry made a motion to deem the application complete, schedule a public hearing, requesting the Town Highway Superintendent's opinion as to who owns and maintains the culvert, also referring this to the Warren Co. Planning Board, 2<sup>nd</sup> by Curt Castner. All Ayes.

**2006-25 Tax Map 39.13-2-15 Niska Beach Association** seeking an Area Variance from square footage and length requirements to build a new dock system for 12 boat slips with 856 sq. ft of surface area, 82 ft in length. Jeff Provost, representing the applicant stated there are 12 lots in the Association but only 8 boat slips, the applicant would like to replace the existing docks with a cluster dock system 82' in length with 856 sq. ft of surface area providing 12 equal boating slips, also stating that the increase would not be a navigable hazard and the existing docks of 752 sq. ft of surface area pre-date today's requirements. After a brief discussion regarding reviewing the verbiage in the deeds in reference to lake access, Harry Balz made a motion to deem the application complete, schedule a public hearing, refer this to the Town Planning Board and Warren Co. Planning Board, 2<sup>nd</sup> by Curt Castner. All Ayes.

**2006-28 Tax Map 39.17-1-10 Stan and Lorraine Rusak** seeking an Area Variance from shoreline and road setback to build a single family dwelling on parcel located at 7809 State Rte 8. John MacMillan representing the applicant stated that the applicant request to demolish the existing 600 sq. ft cottage and build a new home no closer to the lake but larger in size. Harry Balz made a motion to deem the application complete, schedule a

public hearing, refer this to the Warren Co. Planning Board, not referring this to the Town Planning Board 2<sup>nd</sup> by Dan Smith. All Ayes.

**2006-30 Tax Map 20.-1-54 Larry and Claudia Wood** seeking an Area Variance from density and road frontage for a 4 lot subdivision located on 326 Johnson Rd. Larry and Claudia Wood presented a survey map explaining the project. After a brief discussion, Harry Balz made a motion to deem the application complete, schedule a public hearing, refer this to the Warren Co. Planning Board, not referring this to the Town Planning Board 2<sup>nd</sup> by Curt Castner. All Ayes.

**2006-27 Tax Map 3612-1-15 36.12-1-63 Blue Sky Estates Association and Hoffman** seeking an Area Variance to convey the adjoining owners driveway located on 44 Lakeview Dr. Gary McMeekin stated that this is a approved subdivision that maintains non-conforming lots and two variances for density are needed. Harry Balz and Gail Sirrine stated that the map does not indicate the amount of acreage the Hoffman's own and that this board needs more clarification from the applicant. Dan Smith made a motion to deem the application incomplete, requesting the applicant provide the information on the Hoffman lot i.e. existing size and proposed size.

#### **Public Hearings were called to order**

**File No. 2006-16 Tax Map 72.10-1-15 Randy & Elizabeth St. Claire** seeking Area Variances from road and shoreline setback to build a garage and overhang on shed on parcel located at 7117 State Rte 8. Attorney Dan Smith, representing the applicant stated that the issues before the board are traffic safety and roof height, providing the board with a letter from DL Dickinson, surveyor and licensed engineer stating the site distance, also stating that the applicant returned to the architect to lower the roof line to a 5/12 pitch in the front and a shed roof with a 3/12 pitch.

Harry Balz stated that he visited the site and does not disagree with the Dickinson letter and the applicant has redesigned the building to accommodate the neighbors. Being no further comments or questions, the public hearing was closed

**File No. 2006-24 Zora Persek Living Trust** seeking an Appeal of Determination by the Zoning Administrator. Section 8.20 and Section 9.20. Robert Farrell representing the applicant stated this was a Class A regional project and the Conditional Use does not apply as the APA has issued a permit for this project, the proposed houses, septic and wells were subject to approval at the time of the subdivision, requesting that this board overturn the Zoning Administrator's determination that a Conditional Use application be submitted for each new home to be built in this subdivision. After a lengthy discussion the public hearing was closed.

#### **Regular Meeting - Continuation of the Unfinished Business:**

**File No. 2006-16 Tax Map 72.10-1-15 Randy & Elizabeth St. Claire** seeking Area Variances from road and shoreline setback to build a garage and overhang on shed on parcel located at 7117 State Rte 8. Dan Smith stated that the Engineer's report on the driveway is sufficient the height of the roof has been remedied, the building footprint change is not significant, wants to be consistent with other applications that have come before this board and feels it is impossible to build anywhere else on this parcel. Dan Smith then made a motion to approve the variance as there is no undesirable change to the character of the neighborhood or detriment to hereby properties, the benefits sought cannot be achieved by other means, the request is substantial

but there are no alternatives to the applicant, no adverse environmental impact on the physical or environmental conditions of the neighborhood and this was not self created.

**File No. 2006-24 Zora Persek Living Trust** seeking an Appeal of Determination by the Zoning Administrator. Section 8.20 and Section 9.20. Jason Hill asked if the subdivision approval is for the subdivision of the land only or approval of the lots as to the building sites etc. Mark Schachner stated that this board seems to be struggling with the extent of the APA approval and advised the board to not use the degree of difficulty to the applicant when making their decision. After additional discussion Gail Sirrine made a motion to overturn the Zoning Administrator's decision based on the lengthy completion of the documentation submitted to the APA which indicates the approved lots , buildings, wells, septic systems adding that a Conditional Use for each new home is not necessary pursuant to Section 9.20 of the Town of Horicon Zoning Regulations, 2<sup>nd</sup> by Harry Balz. All Ayes

**Board Privilege:** Brian Grisi APA representative critiqued the board on the way they are handling the applications and decisions.

There being no further business before the board, Chairperson, Priscilla Remington adjourned the meeting at 10:35 PM

Respectfully Submitted.

Christine Smith-Hayes, Secretary